

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

JAMES WILLIAMS, CHRISTI WILLIAMS, §  
and SHELBY WILLIAMS §

*Plaintiffs*

VS.

Civil Action No. 5:15-cv-836-XR

# JURY DEMANDED

BLT LOGISTICS, INC. and  
GURMINDER SINGH BAHY

### *Defendants*

**DEFENDANTS' OBJECTIONS TO DEPOSITION ON  
WRITTEN QUESTIONS AND MOTION TO QUASH**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME BLT LOGISTICS, INC. and GURMINDER SINGH BAHY (hereinafter, “Defendants”), and file this their Objections to Plaintiffs’ Deposition on Written Questions to AT&T and Motion to Quash, and would respectfully show the Court as follows:

## I. BACKGROUND

1. This lawsuit arises from an auto accident that occurred on October 5, 2014 on Bandera Road in San Antonio, Bexar County, Texas.

2. On March 3, 2016, Plaintiff served a Notice of Intention to Take Depositions by Written Questions on Defendant's telephone service carrier, AT&T. The Deposition Subpoena for AT&T is attached hereto as "Exhibit A" and is incorporated herein by this reference. Defendants object to the documents sought in the notice and subpoena.

## **II. ARGUMENT**

3. Plaintiff's Notice of Intention to Take Deposition by Written Questions with attached subpoena seeks the following documents:

ANY AND ALL RECORDS FROM 7-5-2014 THROUGH 11-5-2014 "CENTRAL TIME ZONE", REGARDING (318) 235-8126, INCLUDING BUT NOT LIMITED TO, INFORMATION REFLECTING INCOMING AND OUTGOING CALLS, INCOMING AND OUTGOING TEXT MESSAGES, DATA USAGE, OFFICE NOTES, CORRESPONDENCE, AND ANYTHING ELSE REDUCED TO WRITING IN THE POSSESSION, CUSTODY OR CONTROL OF THE SAID WITNESS.

4. Defendants object to the documents requested on several grounds. The description of documents sought is overly broad in subject matter and in scope of time. The request – even without the last call for the production of “anything else reduced to writing” (by AT&T) – is nothing more than an overly broad and intrusive fishing expedition.

5. The request seeks documentation, data, and information pertaining to Defendant's cell phone for a four month period, encompassing a timeframe well before and after the accident. Any request for cell phone records should be limited to a period immediately before the accident. In fact, counsel for the parties had agreed in a teleconference on March 2, 2015 —the day before this Notice was served – that similar requests for production directly to the parties would be limited to a one hour period prior to or following the incident.

6. There is absolutely no evidence that the driver involved in the incident, Mr. Bahy, was using a cell phone at the time of the accident. The Notice of Intention to Take Deposition by Written Questions with attached subpoena calls for irrelevant documents. Further, it seeks invades Defendant's right to privacy by seeking a large and unrelated amount of personal and private information that has no connection to the facts and issues of the present suit.

7. AT&T is not a party to this lawsuit. Any request for cell phone records should be done through Request for Production to the party involved. Defendants have indicated that they

are willing to provide records limited to the time frame listed above, with the further agreement that this limitation does not prohibit Plaintiffs from seeking further or more expansive information if they find any information which would actually justify such a request. There is no such justification.

**III.**  
**PRAYER**

ACCORDINGLY, Defendants pray that their objections be upheld, that the attached Notice of Intention of Deposition on Written Questions be quashed, and for such other and further relief, either at law or in equity, that he may be justly entitled to.

Respectfully submitted,

**CASTAGNA SCOTT LLP**  
1120 S. Capital of Texas Highway  
Bldg. 2, Suite 270  
Austin, Texas 78746  
512/329-3290  
888/255-0132 (Facsimile)

By: /s/ Steven B. Loomis  
Lynn S. Castagna  
State Bar No. 03980520  
[Lynn@texasdefense.com](mailto:Lynn@texasdefense.com)  
Steven B. Loomis  
State Bar No. 00793177  
[Loomis@texasdefense.com](mailto:Loomis@texasdefense.com)

**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing has been electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing and has been sent via facsimile to the following:

**VIA FACSIMILE: 888/956-8001**

Dale Hicks

LAW OFFICES OF THOMAS J. HENRY

4715 Fredericksburg Road, Suite 520

San Antonio, Texas 78229

and in accordance with the Federal Rules of Civil Procedure on this 3rd day of March, 2016.

/s/ Steven B. Loomis

Steven B. Loomis